

FARMINGTON CITY COUNCIL MEETING

Tuesday, March 17, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, Recording Secretary Cynthia DeCoursey.

Mayor Harbertson began the session at 5:55 p.m. **Rick Dutson** offered the invocation. The **Mayor** informed the Council that there were no public hearings tonight.

Review of Quarterly Finance Report

Keith Johnson presented the following items regarding the City finance report:

1. Sales Tax Received
2. Property Taxes Received
3. Franchise and Energy Taxes
4. Summary of Revenues
5. Farmington City Corporation Budget

Mr. Johnson said most of Farmington City's sales tax revenue comes from the population allocation rather than direct point of sales portion. He informed the Council that requests for building permits have been very slow, and Staff predicts only four per month this year. All of the other revenues are similar to what was budgeted, and he believes expenditures will also be below budget. There was a brief discussion regarding the finance report, and **Mayor Harbertson** expressed appreciation for the conservative measures City employees have taken.

David Petersen presented the following items:

Farmington Greens Subdivision

Mr. Petersen told the Council he wanted to make them aware of some changes in this Subdivision. The original developer went into foreclosure, and the first lien holder, Mark Green, has taken over the lots in Phase 3. D-R Horton, a national company, is also building on five lots. Staff researched the final approval, which was granted in 1998-2000, and found that both the Planning Commission and City Council were more concerned about the appearance of the townhomes than the homes, and because of the way the CC&Rs are written, the City cannot

compel the builders to construct more traditional homes. He said there may be comments from the public regarding the type of homes being built. He thought the homes would sell from

\$210,000-\$260,000. **Mr. Petersen** predicted the City would receive more requests for high-density housing because of the economy.

Signage Survey

David Petersen distributed a survey to each member of the City Council. He explained that Staff is in the process of updating the City sign ordinance and developed this survey as a way to obtain feedback from the Council and the Planning Commission. **Mr. Petersen** left the meeting at 6:20 p.m.

General Review of agenda items

(Agenda Item #12): Escrow and Exchange Agreement between the City and Rich Haws pertaining to Acquisition of street right of way for "Road to the North"

Max Forbush reviewed a few of the details of the Escrow and Exchange Agreement. There were a few changes made, and those changes were to be reviewed in the regular session.

(Agenda Item #11): CenterCal/Farmington City Agreement Pertaining to U.S. Bureau of Reclamation Land Drains

Mayor Harbertson and **Max Forbush** agreed to table this item. They had a brief discussion regarding a couple of issues and said that more discussion is needed between the City and CenterCal.

(Agenda Item #5): Request for Boundary Line Adjustment Relating to Nicholl's Nook Subdivision/Consideration of Final PUD Master Plan and Final Plat Approval for Nicholl's Nook Subdivision

Mayor Harbertson said **Mr. Griffin** would like to refinance this PUD, but he does not have a development agreement. He said the Council should decide whether or not to grant approval without the agreement. **Mr. Forbush** said he felt fine about granting approval if the approval was subject to the execution of a development agreement. He said the agreement should include the requirement for the developer to pay all the required fees, install decorative lighting, follow all City laws and rules, finish the turn around with gravel and asphalt. He suggested that the Council give final approval tonight with the condition that it would be subject to approval of the development agreement.

(Agenda Item #15): Fuel Break Road Right of Way Discussion

Mr. Forbush reviewed some of the issues regarding this item and said he would present more details in the regular session.

Mayor Harbertson told the Council members there would be a closed session following the regular session, and the meeting adjourned at 7:00 p.m.

REGULAR CITY COUNCIL MEETING/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax, and Recording Secretary Cynthia DeCoursey.

Mayor Harbertson called the meeting to order at 7:05 p.m. and welcomed those in attendance. **Max Forbush** offered the invocation, and the Pledge of Allegiance was led by **Paula Alder**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Mayor Harbertson asked if there were any changes or corrections to the minutes of the March 9, 2009. He stated that on page 7 regarding the stop sign, he meant to say "This should not be the reason to have a stop sign installed" instead of "this is not the case". **Sid Young** requested that on page 4 the last sentence of his comments "Annexation and control needs to be addressed" be deleted. **Max Forbush** suggested that when there is a change regarding the intent of a comment, the change should be added as an addendum to the minutes.

Motion

David Hale made a motion to approve the minutes as amended of the meeting held March 9, 2009. **Rick Dutson** seconded the motion which passed unanimously.

STATUS REPORT ON MISS FARMINGTON PAGEANT – TIME AND PLACE – SUE ANN PHILLIPS (Agenda Item #3)

Sue Ann Phillips told the City Council that having enough contestants for the pageant would not be a problem. She currently has five girls who want to participate, and she knows of five more who would participate if the pageant is held in the summer. She said they are having trouble booking a venue—Davis and Viewmont High Schools are both booked on the dates previously chosen. She asked about the possibility of having the pageant on a week night versus a Saturday night. She said her volunteers are standing by ready and are ready to help. The City Council gave some feedback regarding a date, and they expressed their desire to have the pageant prior to Festival Days. They asked **Ms. Phillips** to check on week night availability.

PLANNING COMMISSION REPORT (Agenda Item #4)

Chairman John Bilton said the Planning Commission discussed three items in their meeting held March 12, 2009:

1. Final PUD Master Plan and Final Plat approval for Nicholl's Nook – **Rodney Griffin**
2. Scenic Byways Overlay ordinance
3. Official Zoning Map creating a Scenic Byways (Chapter 41)

Mr. Bilton said the Commission passed this request with the six conditions listed in the staff report and one additional condition, and they recommend that the Council also approve the request. He said they discussed the issues thoroughly; however, both of these items were tabled by the Planning Commission. He said this is a model ordinance to be adopted by cities all along the corridor, and because Farmington is the narrow neck and is located close to I-15, the Commission is very concerned about signage, sign height, security fencing and height, berms, visibility, shore line, etc. They reviewed some of the text in Chapter 41 and made several minor changes. He said they tried to maintain consistency and at the same time account for the unique challenges of Farmington's geography.

Adam Creager arrived at 7:20 p.m. as a representative from the Youth City Council.

REQUEST FOR BOUNDARY LINE ADJUSTMENT RELATING TO NICHOLL'S NOOK SUBDIVISION/CONSIDERATION OF FINAL PUD MASTER PLAN AND FINAL PLAT APPROVAL FOR NICHOLL'S NOOK SUBDIVISION (Agenda Item #5)

Glenn Symes referred to the boundary line adjustment and final plat approval for this PUD. He said it is very similar to the original request by **Mr. Griffin**. He pointed out the boundary-line adjustment on the overhead and discussed the easements. He also showed out the emergency turning lane also. **Mr. Griffin** said there is an adjacent neighbor who does not want pavement on her property, so he will have a gravel road which will conform to City road standards. Mr. Griffin said the HOA would be responsible for maintenance of the road. He expressed appreciation for the approval of this PUD and said he could now move forward with the funding. He said he realizes that the project is contingent upon the Council's final approval of the development agreement.

Motion

Rick Dutson made a motion to approve the boundary-line adjustment. **David Hale** seconded the motion, and it was unanimously approved.

Max Forbush asked for permission to make a suggestion. He asked the Council if they could possibly reduce or waive some of the development standards and consider making

the street in Nicholl's Nook a public street, rather than private. He listed the following reasons this might be a good idea:

The PUD has six lots--having a private street with so few owners would be a heavy burden on them

Possibly a better chance of marketing the lots

Better for the long-term ownership of the people on the street

Continual problems with owners in PUDs who want the City to pay maintenance costs

Gravel road would be difficult for the HOA to maintain

Nicholl's Nook PUD could open up other areas of the block in the future

Glenn Symes agreed that a public road for this PUD was a great idea, and there was more discussion regarding the various issues.

Motion

Rick Dutson made a motion that the City Council approve the final PUD Master Plan and Final Plat Approval for the Nicholl's Nook PUD subdivision subject to signing a development agreement and qualified by the items in the letter to Mr. Griffin from staff dated March 13, 2009. City Council final approval also requires a high-back curb, a dedicated street to the City, that the asphalt width is 25 feet instead of 27 feet with standard curb and gutter, and a waiver of some development standards such as a parking strip and sidewalk. **Sid Young** seconded the motion. The motion was unanimously approved.

REQUEST TO VACATE PUBLIC UTILITY EASEMENTS AT 538 EAST GREYSTONE DRIVE – NICK AND BESSY THIROS (Agenda Item #6)

Mayor Harbertson said **Nick and Bessy Thiros** would like to add a garage to a new home they are building, and they are requesting that the City vacate a 10-foot wide PUE along the east property line. The **Mayor** stated that the Council has dealt with this issue several times in past circumstances. The Council's feeling is that they can do away with that easement, but they want to have signed documentation from the affected utility companies. It was determined that the owners need to obtain written consent from each utility and that the easement will not be vacated until a building permit is issued for the property.

Motion

Sid Young made a motion that the City Council approve the request and vacate the public utility easements at 538 E. Greystone Drive with the recommendation from staff that there be written quit-claim verification from each of the affected utilities that the PUE is not needed and will not be used in the future. **Rick Dutson** seconded the motion, and it was unanimously approved.

CONSIDERATION OF REQUEST FOR PARKS & RECREATION DEPARTMENT TO DROP THE CITY'S "YOUTH FOOTBALL" PROGRAM IN FAVOR OF VOLUNTEER-RUN "UTE" YOUTH FOOTBALL PROGRAM (Agenda Item #7)

Mayor Harbertson said there have been many emails between **Brian Beck** and **Max Forbush** concerning this issue. It was confirmed that the Kaysville football program will not add additional leagues to their program. **Paula Alder** said Kaysville feels their program is large enough, and they are not equipped to add more players, so changing to the "Ute" program would leave a large part of Farmington with no program at all. **Mr. Forbush** said the fees of the Farmington program are about half of the cost of the "Ute" program.

Motion

Paula Alder made a motion that Farmington City's football program remain as is. **David Hale** seconded the motion, and it was unanimously approved.

FEE WAIVER REQUEST FOR FARMINGTON COMPOSERS GROUP – RUTH GATRELL (Agenda Item #8)

Mayor Harbertson said **Ruth Gatrell** sent a letter to the City requesting that they waive the fee for the Composers Concerts. The **Mayor** expressed concern about approving this request for two reasons: (1) This has been an on-going issue for a number of years. Even though it is a non-profit event, it is not part of the City arts program, and there could be other parties come forth who would also want to use the community building for free. (2) She has requested three Saturday nights, and because those nights are in high demand, he does not feel they should waive the fee. He explained that the City is required to have site supervision at each event. After a brief discussion, the **Mayor** and the City Council offered **Ms. Gatrell** a compromise and asked her to consider using a night other than Thursday, Friday, or Saturday because those are high demand nights for the building.

Motion

David Hale made a motion that the City Council grant a fee waiver request to **Ruth Gatrell** for the Farmington Composers Group provided that the event is scheduled on a Sunday, Monday, Tuesday, or Wednesday night. If **Ms. Gatrell** chooses to keep the Saturday night dates, the fee would not be waived. **Paula Alder** seconded the motion, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

Authorize City participation in Rocky Mountain Power's "Cool Keeper" Program

Approval of February's Disbursement List

Ratify Mayor's Signature on Amendment to NRCS Contracts which extends flood mitigation project time completion deadline

Approve Dental Insurance Agreement with PEHP

Authorize CRS Engineers to file "Letter of Intent" letters for future Federal aid road projects

Authorization for City Manager to sign Change Order #6 on Farmington Police Station Project

Sid Young and **Paula Alder** questioned item #1 and said they would like more information regarding the "Cool Keeper" program. **Max Forbush** said he would research more of the details regarding the ability to cancel the program at any time.

Motion

Rick Dutson made a motion that the City Council approve items two through six on the minute motion action list. **David Hale** seconded the motion, and it was unanimously approved.

CONSIDERATION OF ORDINANCE ENACTING TEMPORARY REGULATIONS REGARDING CODE ENFORCEMENT AND OTHER CHANGES FOR REAL ESTATE SIGNS – 2ND READING (Agenda Item #10)

Mayor Harbertson and the Council agreed to adopt this change.

Motion

Cory Ritz made a motion that the Farmington City adopt the ordinance enacting temporary regulations regarding code enforcement and other changes for real estate signs. **Paula Alder** seconded the motion, and it was unanimously approved.

CENTERCAL/FARMINGTON CITY AGREEMENTS PERTAINING TO U.S. BUREAU OF RECLAMATION LAND DRAINS (Agenda Item #11)

Agreement for City to Assume Maintenance Responsibility for drains
Agreement for CenterCal to post cash bond to cover costs of maintenance of the drain

Cory Ritz made a motion to table this item. **Paula Alder** seconded the motion, and it was unanimously approved.

ESCROW AND EXCHANGE AGREEMENT BETWEEN THE CITY AND RICH HAWS PERTAINING TO ACQUISITION OF STREET RIGHT OF WAY FOR “ROAD TO THE NORTH” (Agenda Item #12)

Mayor Harbertson said the Council reviewed the updated Agreement in the study session, and the additions/corrections are the following:

Page 1, paragraph 3 - Closing of the exchange of parcels as provided herein shall be “30 days” from completion of the design unless extended by the parties.

Page 2, paragraph 4.2 - City agrees to provide utility laterals in the locations “generally” as illustrated on Exhibit A for the Haws parcels at the cost of Haws. The location of that lateral shall not be construed as granting or implying any development approvals. Should the laterals need to be relocated in the future to accommodate the development of the Haws’ property, such relocation shall be at the Haws’ expense. Haws agrees to construct the water line as provided for in the Road Agreement and the City to pay its portion of the upsizing charge.

Page 3, paragraph 6 – “Based on the commitment issued by Founder’s Title Company and on the documents in the chain of title on the platted street parcel, the City waives any claim to the platted street parcel and agrees to process a petition to vacate the parcel as if it were a public street for the purpose of clearing the County records of the street notation and to execute those documents reasonably required by Founder’s Title and agreed upon by the parties to reflect the same.” **Mr. Forbush** discussed this issue with **Todd Godfrey**, City Attorney, and it was determined that the street has always been owned by the property owner, and the City could not claim to receive compensation for the street.

Page 5, #14 - remove the wording “Cook and/or”.

Page 6, #19 - remove the wording “Cook and/or” twice.

Scott Harwood, 33 S. Shadow Breeze Road, from the Haws Company, said they agree with the changes that were made tonight. However, he expressed concern regarding the change to a “30-day” time frame instead of a firm date and asked why that was necessary. The **Mayor** said it was difficult to know the exact time frame, and the Council understands the need to move quickly on this issue.

Motion

Rick Dutson made a motion to approve the Escrow and Exchange Agreement between Farmington City and the Haws Company with the understanding that it will be the modified document that was discussed. **Cory Ritz** seconded the motion, and it was unanimously approved.

RESOLUTION ESTABLISHING SITE PLAN ARCHITECTURAL REVIEW COMMITTEE (SPARC) BY-LAWS (Agenda Item #13)

Glenn Symes said the last time the Council saw this item was about a month ago. There were a few items Staff needed to work out with the City Attorney, and the wording has been revised so that it is now correct. A few of the changes were: Planning Commission compensation, the open meetings act, and the number of people who would serve on the Committee. He said Staff sent a letter (with a copy of the bylaws) dated February 25, 2009 to the property owners and asked for any input they might have, but they did not receive any comments in response. The Mayor agreed with having three members on the Committee, and the Council discussed who should approve additional members, if it was necessary to have more members. They decided that the appointment should be by the Mayor with the advice and approval of the City Council.

Motion

David Hale made a motion to approve this Resolution with the idea that any additional members would be appointed by the **Mayor** as ratified by the City Council. **Sid Young** seconded the motion, and it was unanimously approved.

GENERAL REVIEW/DISCUSSION OF RECENT “RECYCLING SURVEY” RESULTS (Agenda Item #14)

Mayor Harbertson said he saw the latest updates on the “recycling survey” this morning, and there were 910 responses:

“Yes” response	= 531	58%
“No” response	= 312	34%
“Indifferent responses	= 67	7%

The **Mayor** referred to a newspaper article regarding Spanish Fork’s recycling program. He said their program is voluntary, not mandatory, and they are trying to keep their fees at \$4.83 per month. He said they also have a built-in buffer for the recycling market and a provision for a fuel surcharge if the price for fuel is higher than \$2.50 per gallon. The **Mayor** and most members of the Council said they would like the City recycling program to be voluntary, and some concerns were expressed regarding various issues and residents on fixed incomes. No official vote or decision was made at this time.

Motion

Rick Dutson made the motion to have **Mr. Forbush** do some further research regarding this issue. **David Hale** seconded the motion, and it was unanimously approved.

FUEL BREAK ROAD RIGHT OF WAY DISCUSSION (Agenda Item #15)

Max Forbush explained that the fuel break road runs north and south through the City from Farmington Canyon south to where it intersects the Armstrong road near Davis Creek. He said that for many years there has been a blockage on this road which has made it very difficult for emergency vehicles to get beyond the locked gate. The gate is owned by a private citizen who has resisted allowing the public to go across his property because of the perceived liability exposure. **Mr. Forbush** said **Sid Young** has worked long and hard with the property owner and have had discussions with the U.S. Forest Service and the Utah State Land and Forestry Division, and they believe they have found a solution. The proposal is to divert the road away from and off of private property onto the Forest Service property which has an existing road and then connect that road on the south end from Steed Canyon to near Davis Canyon. **Mr. Forbush** recommended the following:

- a) The City Council would authorize **Mr. Forbush** to send a letter to the Forest Service requesting a memorandum of agreement to switch the fuel-break access onto their existing road beginning near Steed Canyon and ending near the boundary line of the Benchland Irrigation property.
- b) The City would enter into an agreement with **Jerry Stevenson** (property owner) in an attempt to acquire small segments of property (through easement or fee title) at the north and south ends of the Stevenson property to provide access to and from the existing Forest Service road.
- c) If the City is successful on those two ventures, the City would make formal contact with Benchland asking them for permission to construct a small segment of the connecting road on their property.
- d) The City Council would consider two policy issues for the City entering into an agreement with the Stevensons:
 1. Fencing may be required along the Stevenson piece and possibly on part of their south boundary. Mr. Stevenson is planning to convey part of his property to a partner, **Doug Allen**. It may be that only the **Allen** property will have to be fenced. The north end may have to be fenced also. The cost would be between \$10,000-\$20,000.
 2. **Mr. Stevenson** said he would convey a small piece of his property to solve the problem on the north if the City would consider making an exception to the street-length standards (1000 feet before a second access road is required).

Mr. Forbush said the street-length exception could be an additional 500-600 feet beyond the 1,000 foot limit. He also recommended that Council add a condition to convey in the future (along with conveying these parcels) a right of way at the end of the cul de sac that would extend to the fuel-break road at Steed Canyon. This would shorten the distance the emergency vehicles would have to travel. **Mr. Forbush** asked that the following be included in the minutes and in the press: “there is a provision in our City ordinances where exceptions are allowed after the Planning Commission gives a recommendation.” **Mr. Forbush** discussed the possibilities for funding of this project and expressed his hope that the City Council would approve it.

Mayor Harbertson said he was impressed with the work done by Davis County on the road from Farmington Canyon to Steed Canyon. However, he recently drove there and was appalled by the destruction that had taken place. He said it was clear that people had not obeyed the rules, and it was sad to see the destruction.

Sid Young made a motion that the City Council:

1. Authorize Max to initiate an MOU with the U.S. Forest Service to move the road to an existing road which is just east of their border along the Stevenson property.
- 2.
3. Require that City Staff prepare agreements to be ratified at a future date regarding the acquisition of two small pieces of property—one on the north end and one on the south end—to provide access to the Forest Service road.
4. Formalize the permission from Benchland to utilize the small section of road which attaches to the Armstrong road.
5. Provide appropriation for the funding of the fencing (if required by the property owner), and if it is not possible for this year, it will be included in next year’s budget.
6. Provide an exception to the 1000-foot standard which would include a right of way deeded to the City at the end of the cul de sac on the Stevenson property north to its connection to the fire break road near Steed Canyon.

David Hale seconded the motion and it was unanimously approved.

REVIEW OF DISCUSSIONS WITH DAVIS SCHOOL DISTRICT TO ACQUIRE CITY HALL BUILDING (Agenda Item #16)

Max Forbush said he and the **Mayor** attended recent a meeting with representatives from the Davis School District, subsequent to the District’s issuance of a letter of intent for the

purchase of the existing City building. The outcome of the meeting included a verbal agreement (subject to DSD and City Council approval) for the following:

1. The sale price of City Hall would be \$1.3 million.
2. The City would be willing (through its municipal building authority) to finance acquisition through lease/purchase and remodeling of this building and the building of another District facility located at the Monte Vista site (which would house training of district personnel and solve some of the downtown parking issue). The combined cost for these projects were estimated to be \$6-7 million. The City (Municipal Building Authority) currently has an agreement with DSD pertaining to the Kendall building which expires next year. This would be a continuation of that agreement and extend another 10 years.
3. The City would modify its agreement regarding the bus compound in west Farmington. The DSD requested that the deadline date for building the new high school be changed because they are not ready to build the new high school.
4. DSD and the City would work together to pave and increase the size of their parking lot near Farmington Elementary, and establish a cross parking agreement for joint use of parking facilities that could be expanded between the school and the City properties.
- 5.

UTA PROPOSAL INVITING CITY TO BID ON COMMUTER RAIL STATION GROUNDS MAINTENANCE (Agenda Item #17)

Mayor Harbertson said he would like to know what the maintenance costs would be and how much UTA would be willing to pay. **Max Forbush** said he would call UTA and do some research regarding this issue.

MAYOR HARBERTSON'S REPORT (Agenda Item #18)

The **Mayor** said he was contacted by the Ogden Raptors (AA baseball team), and they offered 25,000 free tickets to one of their games. He asked for suggestions regarding a date and also the best way to distribute these tickets to the residents of Farmington. There was a suggestion that the tickets be distributed with each resident's monthly bill, and the Council decided on August 6, 2009. The **Mayor** said he received a call from **Nate Ship**, developer of Palmer Estates Subdivision, regarding the developer is having a difficult time selling lots. He would like to either split the lots or put two units on them because he has not sold one lot even though he lowered his prices to sell below his cost. The **Mayor** advised him to have a meeting with the residents and get a feel for the possibility of some other options.

CITY COUNCIL REPORTS (Agenda Item #19)

Paula Alder gave a few brief comments regarding the Farmington Youth Council retreat. She said it was a good event, and **Rick Dutson** agreed that the youth worked well together. She said she would not be able to attend the Thursday, March 19, 2009 trails committee meeting at 4:00 p.m. **Max Forbush** and **Sid Young** said they would be able to attend the meeting.

Rick Dutson said he talked to **Ken Klinker** regarding the Brass Comb. He said the owners continue to sell products on the street including used cars. **Mr. Klinker** spoke with the owner and reminded him of the agreement with the City Council: because the Council granted him a lot line adjustment on the back of his property, he would not sell these products on the front of his property. **Mr. Dutson** told **Mr. Klinker** that he would like to see more aggression on this issue, and if there is continued disregard for what is appropriate in this location, the Council should consider revoking his business license. He said it is not in the best interest of the City or to the neighbors to have a junk yard located on that corner. **Paula Alder** said she believes the owner is selling used cars and emphasized that if a person sells more than two cars per year, he is required to have a business license.

Mr. Dutson also mentioned the upcoming Conference in St. George, and **Margy Lomax** replied the Council members are signed up to attend. **Mr. Dutson** also discussed an email message regarding the possibility of a dinner with the City Council and the legislators. He said they could have a dinner at the City building, or they could do a box lunch while taking a tour of the roads in Farmington. He brought up the possibility of having this event in April just prior to the City Council's second meeting in April. He said that Kaysville City is hosting a similar event on April 25, 2009.

David Hale commented regarding a business, Corvette Recycling, located near the Bukoos store. Other Council members said the owner sells auto parts for Corvettes. The Council questioned if he was selling used cars without a license, and they discussed the need for businesses in Farmington to comply with the state requirements.

MISCELLANEOUS (Agenda Item #20)

The **Mayor** said that **Mr. Forbush** had two items to review with the Council in a closed session.

CLOSED SESSION

Motion

At 9:30 p.m. **David Hale** made a motion to move into closed session to discuss strategy pertaining to pending litigation. **Paula Alder** seconded the motion, and it was unanimously approved.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 10:00 p.m. a motion to go back into an open session was made by **Rick Dutson** and seconded by **Paula Alder**. The motion passed with all Council Members voting in favor.

ADJOURNMENT

Rick Dutson made a motion to adjourn the meeting. **Paula Alder** seconded the motion, and it was unanimously approved. The meeting adjourned at 10:00 p.m.

Margy Lomax, City Recorder
Farmington City